

REMARKS

Claims 1-35 and 37 were pending prior to this Response, with claims 18-20 and 24-33 having been withdrawn from further consideration. By the present communication, no claims have been added, claims 1, 3 and 4 have been canceled, and claims 2, 4-8, 10, 17-19, 21, 34 and 37 have been amended to recite Applicants' invention with greater particularity. Applicant respectfully requests entry of the amendments set forth in this response under 37 CFR §1.116. The amendments do not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Thus, upon entry of the present amendment, claims 2, 5-20, 21-35 and 37 will be pending in this application.

Objections to the Claims

Applicants respectfully traverse the objection of claims 1-4, 17, 21 and 37 because they allegedly recite the term "polypeptide" as "(poly)peptide." Applicants have canceled claims 1, 3 and 4, rendering the objection moot as to those claims. Applicants have amended claims 2, 4, 17, 21 and 37 to remove the parenthesis from the well known term of art. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. § 112, First Paragraph

The rejection of claim 2 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, is respectfully traversed. Specifically, the Examiner alleges that the specification does not provide a written description or set forth the metes and bounds of the phrase "a nucleic acid molecule having at least 12 nucleotides." However, in order to reduce the issues and further prosecution, Applicants have amended claim 2 to remove the allegedly unsupported. Withdrawal of the rejection is respectfully requested.

The rejection of claims 1-17, 21-23, 34-35 and 37 under 35 U.S.C. §112, first paragraph, as allegedly not enabling any person skilled in the art to make and use the invention commensurate in scope with the claims, is respectfully traversed. Specifically, the Examiner alleges that the specification and claims do not indicate what distinguishing attributes are shared by the members of the genus, and therefore, it would require undue experimentation by one of skill in the art to make and use the invention as claimed. Applicants have canceled claims 1, 3 and 4, rendering the objection moot as to those claims. Applicants have further amended claims 2, 4-8, 10, 17, 21, 34 and 37 to define the invention with greater particularity. Accordingly, Applicants submit that the structural and functional limitations of the nucleic acid molecules of the invention are supported by the specification as filed. Withdrawal of the rejection is respectfully requested.

Therefore, for all the above reasons Applicant asserts that one skilled in the art would understand that the inventor was in possession of the claimed invention at the time of filing. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 112, Second Paragraph

The rejection of claim 4 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is respectfully traversed. Specifically, the Examiner alleges that claim 4 is unclear as to whether the term "derived from" imposes a required limitation on the claim. However, in order to reduce the issues and further prosecution, Applicants have canceled claim 4. Withdrawal of the rejection is respectfully requested.

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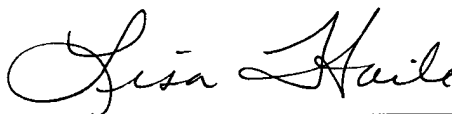
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Conclusion

In summary, for the reasons set forth herein, Applicants maintain that claims 2, 5-17, 21-23, 34, 35 and 37 clearly and patentably define the invention and respectfully request that the Examiner withdraw all rejections and pass the application to allowance. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Enclosed is Check No. 580832 in the total amount of \$760.00 which consists of the Notice of Appeal fee of \$250.00 and the extension of time fee of \$510.00. The Commissioner may charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,



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